

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

SEA STAR LINE, LLC,
a limited liability company,

Civil Action No. 05-CV-245-JJF (LPS)

Plaintiff,

-vs-

EMERALD EQUIPMENT LEASING, INC.,
a corporation,

Defendant,

-vs-

SEA STAR LINE, LLC,

Counter-Defendant.

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Affidavit of Timothy J. Armstrong

Before me, the undersigned authority, personally appeared Timothy J. Armstrong, who, being duly sworn, deposes and says:

1. Affiant has learned that three (3) e-mails were inadvertently including in Exhibit B to the Response to Emerald's Submission Regarding Baxter Health Care, Inc. (Docket No. 149), filed on behalf of Sea Star Line, LLC ("SSL") on November 30, 2007.

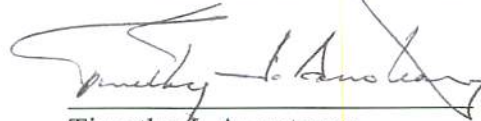
2. Exhibit "B" should have consisted of only the letter from Gary Schildhorn, Esq., to Lorraine Robins. Paragraph 1 of the Response specifically identifies the letter as Exhibit B.

3. Inclusion of the e-mails dated March 17, 2006, February 9, 2006, and February 7, 2006 was an inadvertent mistake, which must have occurred during preparation of a PDF file. The

March 17, 2006 e-mails relate to an allegation in the Amended Counterclaim and is subject to attorney-client and work-product privileges. The February 9, 2006 e-mail, forwarding the February 7, 2006 e-mail, is subject to attorney-client and work-product privileges. Further, the e-mails related to the parties' settlement negotiations.

4. Affiant does not know how the inadvertent disclosure occurred. To affiant's knowledge the above-described e-mails have been the only such privileged documents inadvertently disclosed in this litigation.

FURTHER AFFIANT SAYETH NOT.


Timothy J. Armstrong

Sworn to and subscribed to me
this 19th day of December, 2007.


NOTARY PUBLIC

KATHARINE MARY DENNEY
NOTARY PUBLIC
STATE OF DELAWARE
My commission expires Jan. 18, 2012